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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,876	07/16/2003	Orlando de Guevara	de Guevara 1	1735

7590

04/14/2004

Kevin M. Able  
2825 Hickock Rd.  
Corning, NY 14830

EXAMINER
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KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/621,876

**Applicant(s)**

DE GUEVARA, ORLANDO

**Examiner**

Anita M. King

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/16/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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This is the first office action for application number 10/621,876, Cable Keeper, filed on July 16, 2003.

### ***Claim Objections***

The numbering of claims is not in accordance with 37 CFR 1.126. Claims must be numbered consecutively beginning with the number next following the highest numbered claims. Misnumbered claims 18-20 have been renumbered claims 17-19.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,579,310 to Wells et al., hereinafter, Wells in view of U.S. Patent 4,025,015 to Kolie. Wells discloses a cable keeper comprising: a sheet of flexible material (10, Col. 2, line 28ff) having at least one edge; a plurality of openings (18) spaces adjacent to the edge, each opening having a slot extending between the opening and the edge to allow a passage of at least one cable; an fastener disposed on the sheet for attaching the cable keeper to an object; wherein the cable keeper is comprised of a polymer; a releasable liner (16); wherein each slot is chamfered (@ 14 & 16); a length; and an aspect ratio.

Wells discloses the claimed invention except for the limitations of an adhesive disposed on the sheet for adhering the cable keeper to an object and wherein the adhesive is an adhesive tape. Kolie teaches that it is known to have a mounting device capable of supporting a cable, comprising a body (14) including a layer of adhesive (15) disposed on the bottom of the body for adhering the mounting device to an object. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the keeper in Wells to have included adhesive for attaching the keeper to an object as taught by Kolie for the purpose of providing an alternative, mechanically equivalent means for attaching the keeper to an object.

Wells combined with Kolie disclose the claimed invention except for the limitations of the polymer being selected from the group consisting of polyester, polyethylene and polypropylene or the cable keeper being constructed of cardboard stock and wherein the adhesive is liquid or selected from the group consisting of an acrylic and a synthetic rubber. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the polymer in Wells to have been selected from the group consisting of polyester, polyethylene and polypropylene or cardboard stock for the purpose of providing an alternative material for composing the cable keeper and since such a modification would have merely involved substituting one well known material for another based on its suitability for the intended use and would not have produced any unexpected results. It would have been also obvious to one having ordinary skill in the art at the time the invention was made to have modified the adhesive in Kolie to have been either a liquid adhesive or an

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adhesive selected from the group consisting of an acrylic and a synthetic rubber for the purpose of providing an alternative, mechanically equivalent means for adhering the keeper to an object and since such a modification would not have produced any unexpected results.

Wells combined with Kolie disclose the claimed invention except for the limitations of the length of the cable keeper being less than 25 cm or 15 cm, being greater than 25 cm or 1 meter and the aspect ratio being greater than 1, 5 or 20. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the predetermined length and aspect ratio in Wells combined with Kolie to have been specific dimensions for the purpose of providing an aesthetically different appearance to the cable keeper to accommodate different size cables, and since such a modification would merely involve a change in size, which does not produce any unexpected results.

Claims 1 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,375,017 to Schattner et al., hereinafter, Schattner in view of Kolie. Schattner discloses a cable keeper (Fig. 15) comprising: integral sheets of flexible material each having at least one edge; a plurality of openings (330a, 330b) spaced adjacent to the edge of one of the sheets, each opening having slot (near 32) extending between the opening and the edge to allow a passage of at least one cable; and wherein at least a portion of the sheets is circular. Schattner discloses the claimed invention except for the limitations of an adhesive disposed on at least one of the sheets for adhering the cable keeper to an object. Kolie teaches that it is known to have a

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mounting device capable of supporting a cable, comprising a body (14) including a layer of adhesive (15) disposed on the bottom of the body for adhering the mounting device to an object. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the keeper in Schattner to have included adhesive for attaching the keeper to an object as taught by Kolie for the purpose of providing a means for permanently attaching the cable keeper to an object.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells combined with Kolie and in further view of U.S. Patent 4,693,935 to Mazurek. Wells and Kolie disclose the claimed invention except for the limitation of the adhesive having an adhesive strength greater than about 80 N/100mm or 100N/100mm. Mazurek teaches that it is known in the adhesive art to have an adhesive having an adhesive strength of at least 80N/100mm or 100N/100mm (Col. 4, line 23ff). It would have been obvious to one having ordinary skill in the art the time the invention was made to have modified the adhesive in Wells combined with Kolie to have a strength greater than about 80 N/100mm or 100N/100mm as taught by Mazurek for the purpose of preventing conformability failure of the adhesive and yet having a cohesive strength sufficient to allow removal of the adhesive from the object without leaving behind residue.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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U.S. Patent D235,850 to Diforte

U.S. Patent 3,696,920 to Lahay

U.S. Patent 4,751,571 to Soltow et al.

U.S. Patent 4,971,271 to Sularz

U.S. Patent 5,027,478 to Suhr

U.S. Patent 5,050,836 to Makous

U.S. Patent D379,509 to Macko

U.S. Patent 5,862,291 to Stockman et al.

U.S. Patent 6,210,768 to Blok et al.

U.S. Patent 6,372,335 to Luhmann et al.

U.S. Patent 6,382,569 to Schattner et al.

U.S. Patent 6,408,492 to Sparks et al.

Diforte discloses a spark plug wire positioner. Lahay discloses a device for organizing objects wherein the device is constructed of foam material. Soltow et al. discloses a device for securing a plurality of electrical cables to an object. Sularz discloses an article organizer and holder assembly. Suhr discloses a coiling clamp for linear flexible material. Makous discloses a security device for portable equipment wherein a liquid adhesive is used to attach the device to a surface. Macko discloses a multiple I.V. holder. Stockman et al. disclose a cable routing device. Blok et al. disclose an adhesive note-dispensing roll having individual release sheets. Luhmann et al. disclose an adhesive tape for a bond, which can be redetached by pulling, without residue or


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damage. Schattner et al. disclose a line holder apparatus. Sparks et al. discloses a holder for slender elongated articles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Anita M. King  
Primary Examiner  
Art Unit 3632

April 13, 2004